

(A165, 5)

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002/005

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In Re Terrorist Attacks on September 11, 2001

03 MDL 1570 (RCC)
ECF Case

This document relates to:

Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al.
(1:02-cv-6977) ("Ashton")

Thomas E. Burnett, et al. v. Al Baraka Inv. & Dev.
Corp., et al. (1:03-cv-9849) ("Burnett D.C.")

Thomas E. Burnett, et al. v. Al Baraka Inv. & Dev.
Corp., et al. (1:03-cv-8738) ("Burnett N.Y.")

Cantor Fitzgerald & Co., et al. v. Al Baraka Inv. & Dev.
Corp., et al. (1:04-cv-7065) ("Cantor Fitzgerald")

Euro Brokers, Inc., et al. v. Al Baraka Inv. & Dev.
Corp., et al. (1:04-cv-7279) ("Euro Brokers")

Federal Ins. Co., et al. v. Al Qaida, et al. (1:03-cv-6978)
("Federal Insurance")

New York Marine and General Ins. Co. v. Al Qaida, et
al. (1:04-cv-6105) ("N.Y. Marine")

Estate of John P. O'Neill, Sr. v. Al Baraka Inv. & Dev.
Corp., et al. (1:04-cv-1923) ("O'Neill")

World Trade Center Prop., LLC, et al. v. Al Baraka
Inv. & Dev. Corp., et al. (1:04-cv-7280) ("World Trade
Center Properties")

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**CONSENT MOTION AND STIPULATION AS TO SERVICE OF PROCESS
AND EXTENSION OF TIME**

WHEREAS, DMI Administrative Services S.A. ("DMI S.A.") and Dar Al-Maal Al-Islami Trust ("DMI Trust") and plaintiffs have had discussions pursuant to which the aforementioned parties have agreed to avoid motion practice regarding the validity and effectiveness of service, the parties having conferred hereby move the Court to adopt this Stipulation as to Service of Process and Extension of Time to Respond.

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NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by, between, and among counsel to the respective parties, that the time for DMI S.A. and DMI Trust to answer or otherwise respond to the Complaints in the above referenced actions shall be extended to and through the following dates:

- On September 9, 2005, DMI S.A. shall respond to the *Cantor Fitzgerald* and *O'Neill* actions.
- On September 16, 2005, DMI S.A. shall respond to the *Burnett D.C.*, *Burnett N.Y.*, *World Trade Center Properties* and *Euro Brokers* actions.
- On September 23, 2005, DMI S.A. shall respond to the *Federal Insurance* action and DMI Trust shall respond to the *NY Marlins* action.
- On September 30, 2005, DMI Trust shall respond to the *Ashton*, *Cantor Fitzgerald* and *O'Neill* actions.
- On October 7, 2005, DMI Trust shall respond to the *Federal Insurance*, *Burnett D.C.*, *Burnett N.Y.*, *World Trade Center Properties* and *Euro Brokers* actions.

IT IS FURTHER HEREBY STIPULATED AND AGREED that plaintiffs shall file a partially consolidated opposition to the motions submitted by DMI S.A. within sixty days of the filing of DMI S.A.'s motion to dismiss the *Federal Insurance* action, and that plaintiffs shall file a partially consolidated opposition to the motions submitted by DMI Trust within sixty days of the filing of DMI Trust's motion to dismiss the *Federal Insurance* action. DMI S.A. shall file reply papers in the *Cantor Fitzgerald* and *O'Neill* actions on December 16, 2006; in the *Burnett D.C.*, *Burnett N.Y.*, *World Trade Center Properties*, and *Euro Brokers* actions on January 13, 2006; and in the *Federal Insurance* action on January 20, 2006. DMI Trust shall file reply papers in the *N.Y. Marlins* and *Federal Insurance* actions on January 20, 2006; in the *Ashton*, *Cantor Fitzgerald*, and *O'Neill* actions on January 27, 2006; and in the *Burnett D.C.*, *Burnett N.Y.*, *World Trade Center Properties*, and *Euro Brokers* actions on February 3, 2006.

IT IS FURTHER HEREBY STIPULATED AND AGREED that DMI S.A. and DMI Trust hereby and permanently waive, before this Court and/or any other United States Court in any United States jurisdiction in which proceedings in these actions may take place, any and all

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objections to the form, method, and effectiveness of service, and specifically agree that service of process upon DMI S.A. and DMI Trust by its undersigned counsel will constitute sufficient service of process under the Hague Convention and waive all arguments to the contrary.

IT IS FURTHER HEREBY STIPULATED AND AGREED that DMI S.A. and DMI Trust hereby and permanently waive, in any proceeding taking place outside of the United States related to this action, any and all arguments or claims that the form, method, and effectiveness of service in these actions by plaintiffs was defective or improper in any way, or violative of any international convention or treaty and DMI S.A. and DMI Trust voluntarily submit to and accept the legally binding validity of such service.

IT IS FURTHER HEREBY STIPULATED AND AGREED that this Stipulation is entered into without prejudice to the ability of DMI S.A. and DMI Trust to move the Court for an additional extension of time to respond upon or prior to the above referenced dates and/or to any objections that plaintiffs may make to such a motion.

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IT IS FURTHER HEREBY STIPULATED AND AGREED that the parties hereto
reserve all rights and defenses not specifically addressed hereby.

Dated: New York, New York
July 21, 2005

Respectfully submitted,

COZEN O'CONNOR

By: 

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*Attorneys for Defendants
DMI Administrative Services S.A. and
Dar al-Maal al-Islami Trust*

SO ORDERED:



U.S.D.J.

July 26, 2005
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